

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOE DALE MARTINEZ, <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. C-11-295
	§	
REFINERY TERMINAL FIRE	§	
COMPANY,	§	
	§	
Defendant.	§	

ORDER

Before the Court is “Plaintiffs’ Opposed Motion for Certification of Collective Action and Request for Notice to Potential Plaintiffs Pursuant to Section 216(b)” (D.E. 42). After considering the Plaintiffs’ Motion, the Defendants’ Response (D.E. 40), and the Plaintiffs’ Reply (D.E. 51), the Court is of the opinion that the motion should be GRANTED.

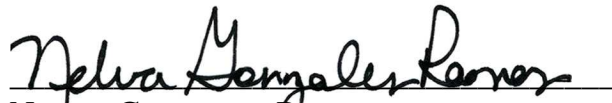
It is therefore ORDERED that within 14 days of the entry of this Order, Defendant Refinery Terminal Fire Company shall disclose to Plaintiffs the names, addresses, email addresses (if available) and telephone numbers of all current and former “salaried non-exempt” employees employed by Defendant Refinery Terminal Fire Company from September 9, 2008 through the present. This information must be provided to Plaintiffs in usable electronic form, if available. Plaintiffs are ORDERED to refrain from using cell phone numbers unless all other methods of contact fail.

The Court hereby approves the Notice to Potential Plaintiffs and Notice of Consent attached hereto. Plaintiffs are ORDERED to mail or transmit a copy of the

Notice to Potential Plaintiffs and Notice of Consent to all persons identified by Defendant Refinery Terminal Fire Company in response to this Order. Defendant is ORDERED to post the Notice to Potential Plaintiffs and Notice of Consent on its company bulletin boards and include them with any regular company newsletter transmitted to potential plaintiffs in the 90 days following the date of this Order.

The potential plaintiffs shall be provided until May 1, 2012 to file their Notices of Consent “opting in” to this litigation as plaintiffs.

ORDERED this 25th day of January, 2012.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE

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NOTICE TO POTENTIAL PLAINTIFFS

TO: PERSONS EMPLOYED BY REFINERY TERMINAL FIRE COMPANY
FROM SEPTEMBER 9, 2008 THROUGH THE PRESENT

RE: Fair Labor Standards Act (FLSA) lawsuit against Refinery Terminal Fire
Company

DATE: January 25, 2012

This case was filed on September 9, 2011 by Joe Dale Martinez and Fidencio Lopez, Jr. on their own behalf and on behalf of those similarly situated (Plaintiffs) who were employed by the Refinery Terminal Fire Company (RTFC) as firefighters below the level of Chief, during the period from September 9, 2008 to the present. Plaintiffs allege that they were required to work overtime hours almost every week without being paid full compensation for those hours pursuant to the FLSA. Plaintiffs have sued to recover alleged unpaid wages. Plaintiffs also seek additional damages equal to their unpaid wages because of RTFC's alleged failure to pay them as required by the federal law governing overtime payments.

RTFC has denied that it improperly paid any of its employees, and disputes that any amounts are due under the FLSA.

If you are among the persons to whom this notice is addressed, and you wish to have your rights to overtime pay litigated in this case, **you must file a consent** to be made a party plaintiff with the Clerk of the Court. It is entirely your own decision whether or not to do so.

The named plaintiffs brought this suit on their behalf and on behalf of those similarly situated to them. Plaintiffs' attorneys are Sico, White, Hoelscher & Braugh, L.L.P. If you have questions about the lawsuit or your rights, you may contact them directly at **361-653-3300**, or you may contact any counsel of your choice. You should not contact the Court to discuss this matter.

If you desire to join this litigation, you must file a **Notice of Consent in a form substantially similar to the one provided with this Notice**. As already stated, you may elect to seek your own attorney, but that attorney must file a notice of consent for you to proceed in this case. Your Notice of Consent should be under the caption of the case as listed above, should contain your name, address, telephone number, date of birth, date of signing, and signature, and should state: "I hereby consent to be a party plaintiff in this case." If you are proceeding with an attorney, your attorney should file the form on your behalf with your written authorization. You may be bound by the same fee and cost agreements as those of Plaintiffs already represented by present counsel. The Court has discretion to assess fees and costs among the participating Plaintiffs.

As already stated, you are not required to join in this case by filing your consent or to take any action unless you want to. If you do not join this case by properly filing a notice of consent, you will not be entitled to any relief, including back wages for overtime, that may be obtained in this suit if Plaintiffs prevail. If, however, you decide to join this case by filing your consent, you will be bound by the judgment of the Court on all issues of the case, whether it is favorable or unfavorable to you.

Your determination of whether or not to take action should be made promptly. Because the law only allows a person to recover up to three years of back wages from the date the Notice of Consent is **filed**, time is of the essence in submitting this form if you wish to make a full recovery. **The Court has set May 1, 2012 as the deadline by which all Consents must be filed.**

This notice is for the sole purpose of determining the identity of those persons who wish to be involved in this case. Although the Court has authorized the sending of this notice, there is no assurance at this time that the Court will grant any relief in this case.

The FLSA prohibits anyone from discriminating or retaliating against you if you choose to take part in this case and RTFC has agreed to abide by the law in this regard.

**This notice has been authorized by the Honorable Nelva Gonzales Ramos,
the Judge to whom this case has been assigned.**

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NOTICE OF CONSENT

I hereby consent to become a party plaintiff in the lawsuit brought pursuant to the Fair Labor Standards Act (FLSA) to recover unpaid wages and overtime from my current and/or former employer, Refinery Terminal Fire Company.

Full Legal Name (print):
Street Address:
City, State, and Zip Code:
Phone:

I am represented by:

Firm Name (print):
Street Address:
City, State, and Zip Code:
Phone:

Signature

Date

Return this form to: Clerk, United States District Court
1133 N. Shoreline Blvd.
Corpus Christi, TX 78401